

IN RE: PETITION FOR RESIDENTIAL
ZONING VARIANCE
S/S Minor Jones Drive, 990 ft.
W c/l Hunting Wood
11908 Minor Jones Drive
3rd Election District
4th Councilmanic District

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-319-A

Aline J. Wankow
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Aline J. Wankow for that property known as 11908 Minor Jones Drive in the Owings Mills section of Baltimore County. The Petitioner/property owner herein seeks a variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit construction of a garage in the side and front yard of the property, with a height of 23 ft., in lieu of the rear yard and maximum height of 15 ft. Also, the Petitioner requests an amendment of the Final Development Plan of the Valley Crest Farm Subdivision for lot No. 11. All of the requested relief is more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition.

As indicated above, this matter originally came before the Zoning Commissioner as an Administrative Variance. As such, a public hearing is not mandatory. However, after the property was posted and prior to the closing date, correspondence was received from attorney, Michael J. Kandell. He advised that he represented adjacent property owners, Ronald and Melissa Frank who reside at 11912 Minor Jones Drive. Mr. Kandell advised that his clients were negotiating with the Petitioner in order to

determine if the parties could agree to the insertion of certain restrictions in any Order granting relief. Further, Mr. Kandell advised that if negotiations were not successful, his clients would request that the matter be scheduled for public hearing and that they would contest the variance.

Under the circumstances, the file was held in abeyance while the parties continued their discussion. Subsequently, by letter of May 17, 1993, Mr. Kandell advised that the parties had, in fact, reached agreement and he forwarded a copy of their written agreement dated May 16, 1993. This agreement shall be entered into the case file and its provisions shall be incorporated in the Order granting the variance, per the request of the parties.

As to the merits of the case, a review of the site plan, photos submitted, aerial photography, etc., is persuasive that the relief requested should be granted. As is well settled, the Petitioner must satisfy the requirements of Section 307 of the B.C.Z.R. in order for the variance to be approved. Based upon a review of the exhibits and evidence submitted, I am persuaded that the Petitioner has satisfied her burden. Thus, the requested variance should be approved.

Further, I am empowered under the Baltimore County Code to attach reasonable restrictions to the granting of any variance. In fact, I shall impose certain restrictions consistent with the agreement between the parties referenced above. I am persuaded that insertion of these restrictions within the Order will ensure that the relief requested and proposed use of the property will not, in any manner, adversely affect the health, safety and general welfare of the community.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 26th day of May, 1993 that the Petition for a Zoning Variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit construction of a garage in the side and front yard of the property, with a height of 23 ft., in lieu of the rear yard and maximum height of 15 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that an amendment of the Final Development Plan of the Valley Crest Farm Subdivision for lot No. 11., all in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The covenants and agreements by and between Ronald A. Frank and Melissa K. Frank; and Joseph E. Wankow and Aline J. Wankow dated May 16, 1993 are hereby incorporated within this Order as restrictions to the granting of the relief requested.
3. The Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
4. The garage shall not be enlarged without the Petitioner filing a requisite Petition for Special Hearing.

5. Landscaping shall be completed on the property in the method and manner set forth in the above referenced agreement.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mm

ORDER RECEIVED FOR FILING

Date
By

ORDER RECEIVED FOR FILING

Date
By

ORDER RECEIVED FOR FILING

Date
By

ORDER RECEIVED FOR FILING

Date
By

-2-

-3-

-4-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

May 25, 1993

Mrs. Aline J. Wankow
11908 Minor Jones Drive
Owings Mills, Maryland 21117

RE: Petition for Administrative Zoning Variance
Case No. 93-319-A
11908 Minor Jones Drive

Dear Mrs. Wankow:

Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, in accordance with the attached Order.

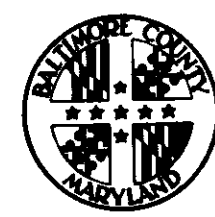
In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
Lawrence E. Schmidt
Zoning Commissioner

LES:mm

encl.
cc: Mr. and Mrs. Ronald A. Frank
11912 Minor Jones Drive
Owings Mills, Maryland 21117

cc: Michael J. Kandell, esquire
Kandell, Klitenic and Chernow
McDonough Crossroads
6 Park Center Court, Suite 100
Owings Mills, Md. 21117



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County for the property located at 11908 MINOR JONES DRIVE, OWINGS MILLS which is presently zoned R.C. 5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 and 400.3 TO PERMIT CONSTRUCTION OF A GARAGE (REPLACING AT SAME LOCATION A GARAGE EXISTING IN 1982) IN SIDE OF PLANTING AND WITH A HEIGHT OF 23 FT. IN LIEU OF THE REQUIRED REAR YARD WITH A MAXIMUM 15 FT. HEIGHT. ALSO TO AMEND THE FINAL DEVELOPMENT PLAN OF VALLEY CREST FARM LOT 11.

SEE ATTACHED

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City

State

Zipcode

(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.)

Legal Owner(s):

(Type or Print Name)

Signature

Address

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted:

Signature

Address

City

State

Zipcode

Phone No.

City

State

Zipcode

County

Country

Post Office

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Area

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Township

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326

ZONING DESCRIPTION FOR 11908 MINOR JONES DRIVE
(address)
Election District 4 Councilmanic District 3

Beginning at a point on the SOUTH side of MINOR
(north, south, east or west)
JONES DRIVE which is 40'
(number of feet of right-of-way width)
wide at a distance of 980' NORTH of the
(number of feet) (north, south, east or west)
centerline of the nearest improved intersecting street HUNTING TRAIL DRIVE
(name of street)
which is 50' wide. *Being Lot # 11
(number of feet of right-of-way width)
Block N.A. Section N.A. in the subdivision of
VALLEY'S CREST FAIRM as recorded in Baltimore County Plat
(name of subdivision)
Book # 62 Folio # 127 containing
87,120 sq. ft. & 2.0 ACRES
(square feet and acres)

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 93-319-A
Town, Maryland

District 3-2 Date of Posting 4/14/93
Posted for Variances
Petitioner Mr. & Mrs. Jones
Location of property Sp. Minor Jones Drive (400') E. of Hunting Trail Drive
Location of Sign Along S. side of E. side of H. Jones Dr.
Remarks Nothing
Posted by Michael J. Kandel Date of return 4/14/93
Number of Signs 1

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
93-319-A

Account: R-001-6150

3/25/93 H9300826

	QTY	PRICE
PUBLIC HEARING FEES		
010 -ZONING VARIANCE (1RL)	1 X	\$50.00
080 -POSTING SIGNS / ADVERTISING 1 X		\$35.00
TOTAL:		\$85.00

LAST NAME OF OWNER: WANKOW

01A0180061HICHC 88 0012104PM03-25-93 \$85.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 4-26-93 ACCOUNT R001-6150

AMOUNT \$ 40-

RECEIVED BY KANDEL, KLITENIC & CHERNOW

FOR Hearing Demand for 93-319-A

VALIDATION OR SIGNATURE OF CARRIER

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

April 20, 1993

Ms. Aline J. Wankow
11908 Minor Jones Drive
Owings Mills, MD 21117

RE: Case No. 93-319-A, Item No. 326
Petitioner: Aline J. Wankow
Petition for Administrative Variance

Dear Ms. Wankow:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on March 25, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

4-1-93

Re: Baltimore County
Item No. X 326 (JLL)

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
for John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is 410-333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-9451 D.C. Metro - 1-800-482-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: April 6, 1993

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item No. 306, 323, 326, and 328.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey M. Long
Division Chief: Carol Kenna
PK/JL:lw

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

Aline J. Wankow
11908 Minor Jones Drive
Owings Mills, Maryland 21117

Re: Case #93-319-A
S/S Minor Jones Drive
11908 Minor Jones Drive
3rd Election District - 4th Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before April 11, 1993. The closing date (April 26, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an order will issue. This order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Arnold Jablon
Director

LAW OFFICES OF
KANDEL, KLITENIC & CHERNOW
A PARTNERSHIP OF PROFESSIONAL CORPORATION

1400 WOOD CHURCH ROAD
8 PARK CENTER COURT, SUITE 100
OWINGS MILLS, MARYLAND 21117
410 981-1400
FAX 410 981-1404

May 17, 1993

Ms. Gwen Stephens
Baltimore County Zoning Office
111 West Chesapeake Avenue
Room 109
Towson, Maryland 21204

RE: Case No. 93-319-A
11908 Minor Jones Drive

Dear Ms. Stephens:

I am writing as a follow-up to my correspondence to you dated April 23, 1993 and our telephone conversation today. This past weekend, an Agreement between my clients, Ronald and Melissa Frank (the "Franks") and Joseph E. Wankow and Aline Jones Wankow (the "Wankows") was executed which, in pertinent part, resolves those issues described in my letter to you dated April 23, 1993. I have enclosed herewith a copy of the Agreement for your file.

Consistent with Paragraph 7 of the Agreement, the Franks hereby withdraw any objection that they have concerning the requested zoning variance and I am advising that they are in support of same, consistent with the terms of the enclosed Agreement.

As is set forth in Paragraph 7 of the Agreement, we are requesting that the substance of the Agreement be incorporated as conditions in the granting of the requested zoning variance.

If you require any additional information or confirmation, please do not hesitate to give me a call.

Sincerely,
Michael J. Kandel

cc: Mr. and Mrs. Ronald A. Frank
Mr. and Mrs. Joseph E. Wankow
(both with enclosure)

Enclosure
MJK:bbg

4725 93
5/18/93
RECEIVED
MAY 18 1993
ZADM

LAW OFFICES OF
KANDEL, KLITENIC & CHERNOW
A PARTNERSHIP OF PROFESSIONAL CORPORATION

1400 WOOD CHURCH ROAD
8 PARK CENTER COURT, SUITE 100
OWINGS MILLS, MARYLAND 21117
410 981-1400
FAX 410 981-1404

April 23, 1993

RE: Case No. 93-319-A
11908 Minor Jones Drive

Dear Ms. Stephens:

This firm represents the interests of Ronald and Melissa Frank (the "Franks") in connection with the above-referenced matter. The Franks are presently constructing a new residence at 11912 Minor Jones Drive, being a tract of land which is adjacent to the property for which the zoning variance (relative to a proposed garage) has been requested.

It is my understanding that the garage is proposed to be 23 feet high, is to be located in a side yard rather than behind the existing dwelling, and a portion of the proposed garage is to be located in a "setback" area. All three (3) of these items require a zoning variance.

I have contacted Ms. Aline Jones Wankow, the owner of the subject property. We are in the process of negotiating certain matters concerning the proposed garage project. It is our intention that if we are able to reach agreement concerning these matters, then we shall request that the substance of our agreements be incorporated as conditions in the zoning variance to be granted. Specifically, we are requesting that the owner agree to all of the following matters:

1. The garage shall be constructed in accordance with the plans accompanying the materials submitted to the Zoning Office (i.e., with respect to architectural style), and the garage doors shall be located facing the residence as depicted on the plans;

Although request for a public hearing and for final review of this letter, it also suggests that the public hearing may not be necessary to satisfy the protestants. If A.O. finds no reason to have this case set in, beyond the request, the matter will be closed. It will be held to await the agreement.

4/23/93
ZADM

AGREEMENT BETWEEN WANKOW AND FRANK

THIS AGREEMENT, made this 12th day of May, 1993, by and between RONALD A. FRANK and MELISSA K. FRANK, his wife (collectively the "Franks"), and JOSEPH E. WANKOW and ALINE JONES WANKOW (collectively the "Wankows").

WHEREAS, Wankows represent and warrant that they are the sole and exclusive owners of the improved property designated as Lot No. 11 on a Plat entitled "Plat of Valleys' Crest Farm", as recorded in Baltimore County, Maryland, Plat Book SM 62, folio 127, the improvements thereon known as 11908 Minor Jones Drive, Owings Mills, Maryland 21117 (the "Wankow Property"); and

WHEREAS, the Wankows have applied for a zoning variance in connection with a proposed separate garage to be erected on the Wankow Property (the "Proposed Garage"), said Proposed Garage to be 23 feet high, to be located in the side yard of the Wankow Property rather than behind the existing dwelling, and to be located partially in a "setback" area; and

WHEREAS, the Franks, being the sole and exclusive owners of the improved property designated as Lot No. 13 on the aforementioned Plat, the improvements thereon being known as 11912 Minor Jones Drive (the "Frank Property"), have filed a request for hearing with respect to the requested zoning variance for the Proposed Garage; and

WHEREAS, the parties desire to enter into this Agreement in order to memorialize the agreements reached by and between them in connection with the Proposed Garage, landscaping work separating the Proposed Garage from the existing panhandle driveway which separates the Wankow Property from the Frank Property, and the zoning variance requested by Wankow.

NOW, THEREFORE, the parties do hereby covenant and agree to all of the following:

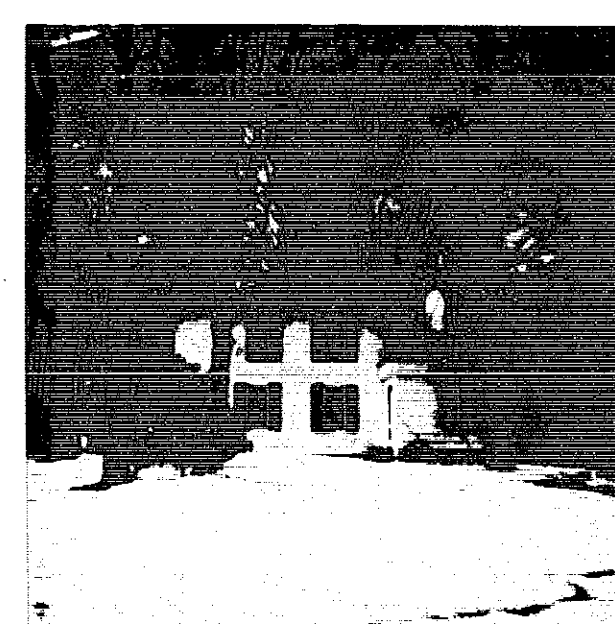
1. **Construction of Proposed Garage.** The Proposed Garage shall be constructed by the Wankows in accordance with the architectural style and other matters set forth on the plans prepared by Robert Rudolph Hollendanner, Architect, dated March 15, 1993 (the "Plans"), which Plans accompanied the zoning variance request filed by the Wankows with Baltimore County Zoning. In furtherance of the foregoing, the garage doors shall be located facing the Wankow Property and not the panhandle driveway, all as depicted on the Plans (see the Southeast Elevation at Page 8 of 9 of the Plans).

2. **No Future Enlargement.** The Wankows agree to construct the Proposed Garage in accordance with the Plans. The Wankows further agree that as long as the Franks (or either of them) continue to own and/or occupy the Frank Property, then the Wankows shall not enlarge the Proposed Garage beyond the dimensions

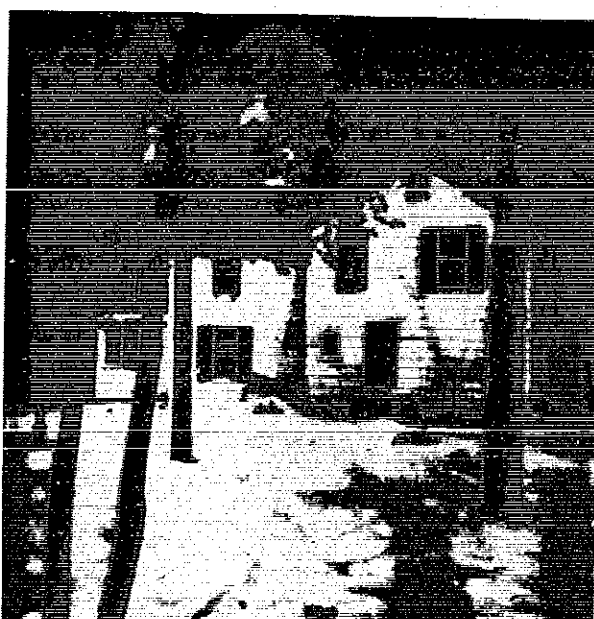
PETITION FOR ADMINISTRATIVE VARIANCE
ALINE J. WANKOW
11908 MINOR JONES DR LOT 11 326
OWINGS MILLS, MD. 21117



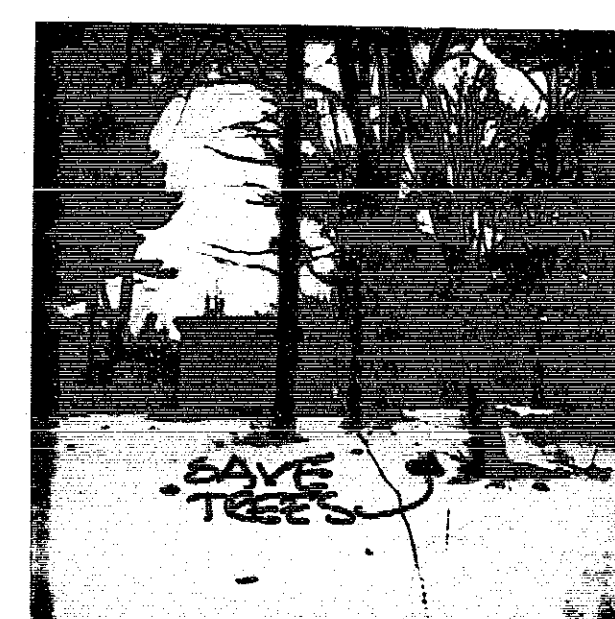
NORTHEAST ELEV.



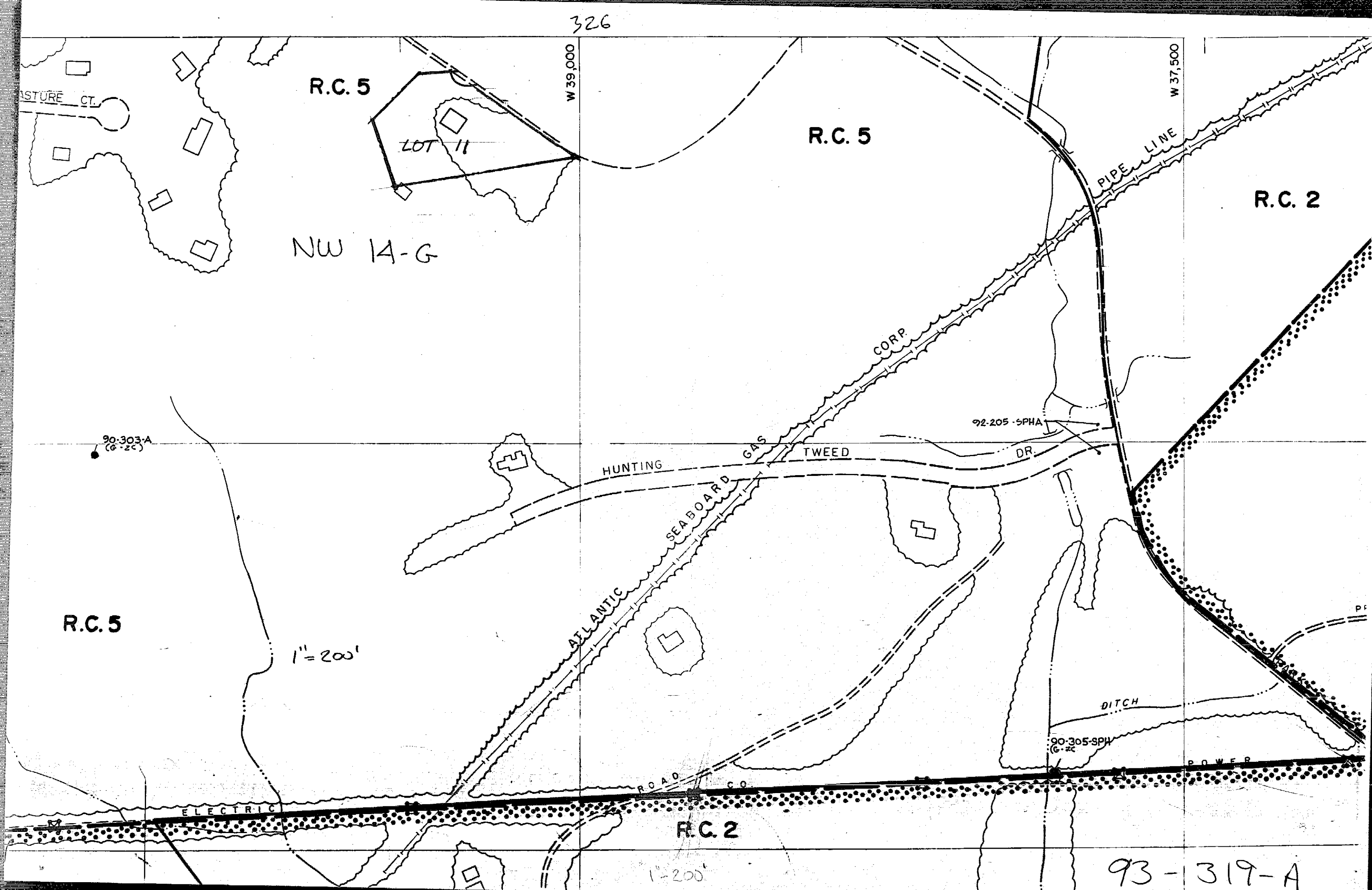
SOUTHEAST ELEV.



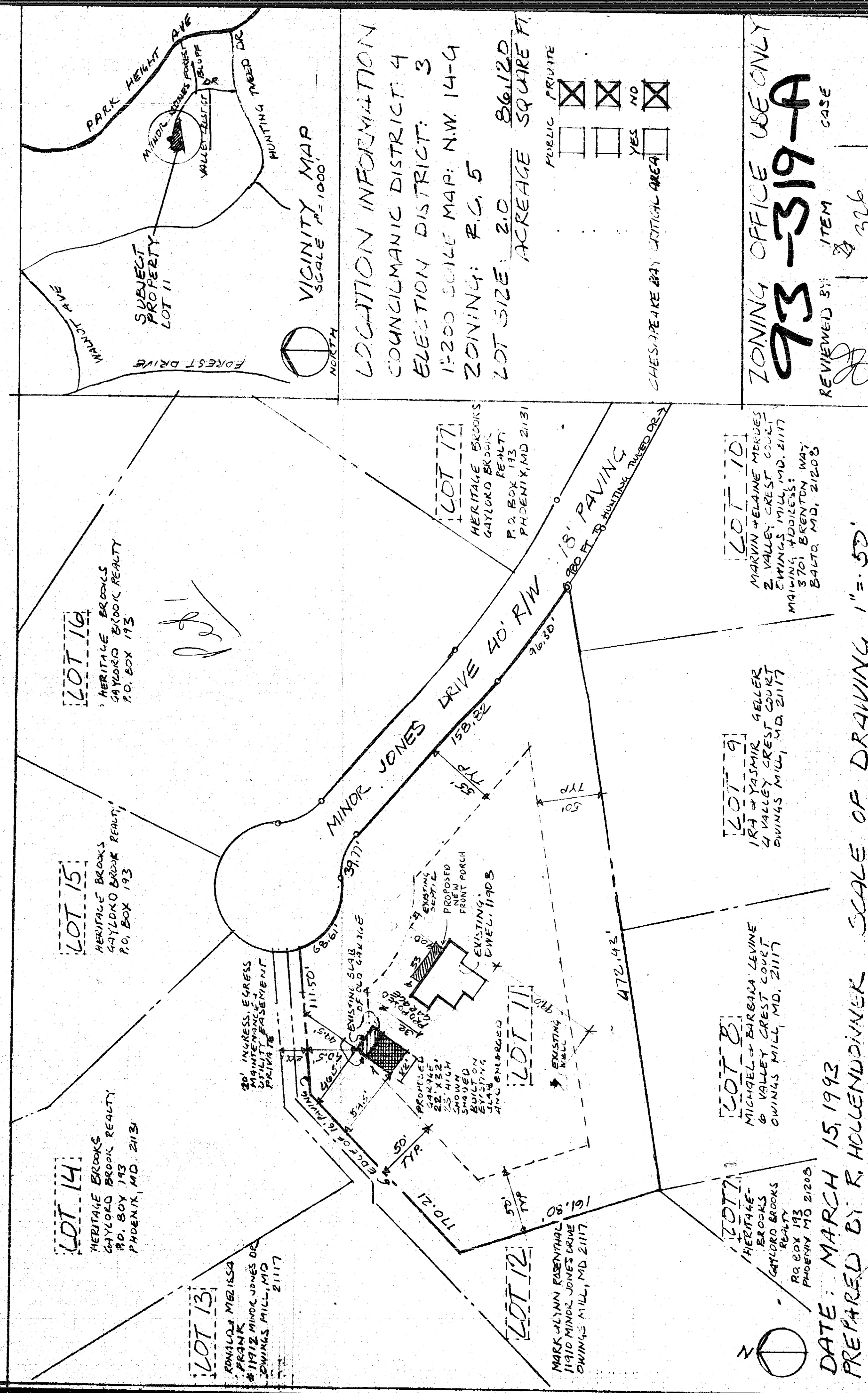
SOUTHWEST ELEV.

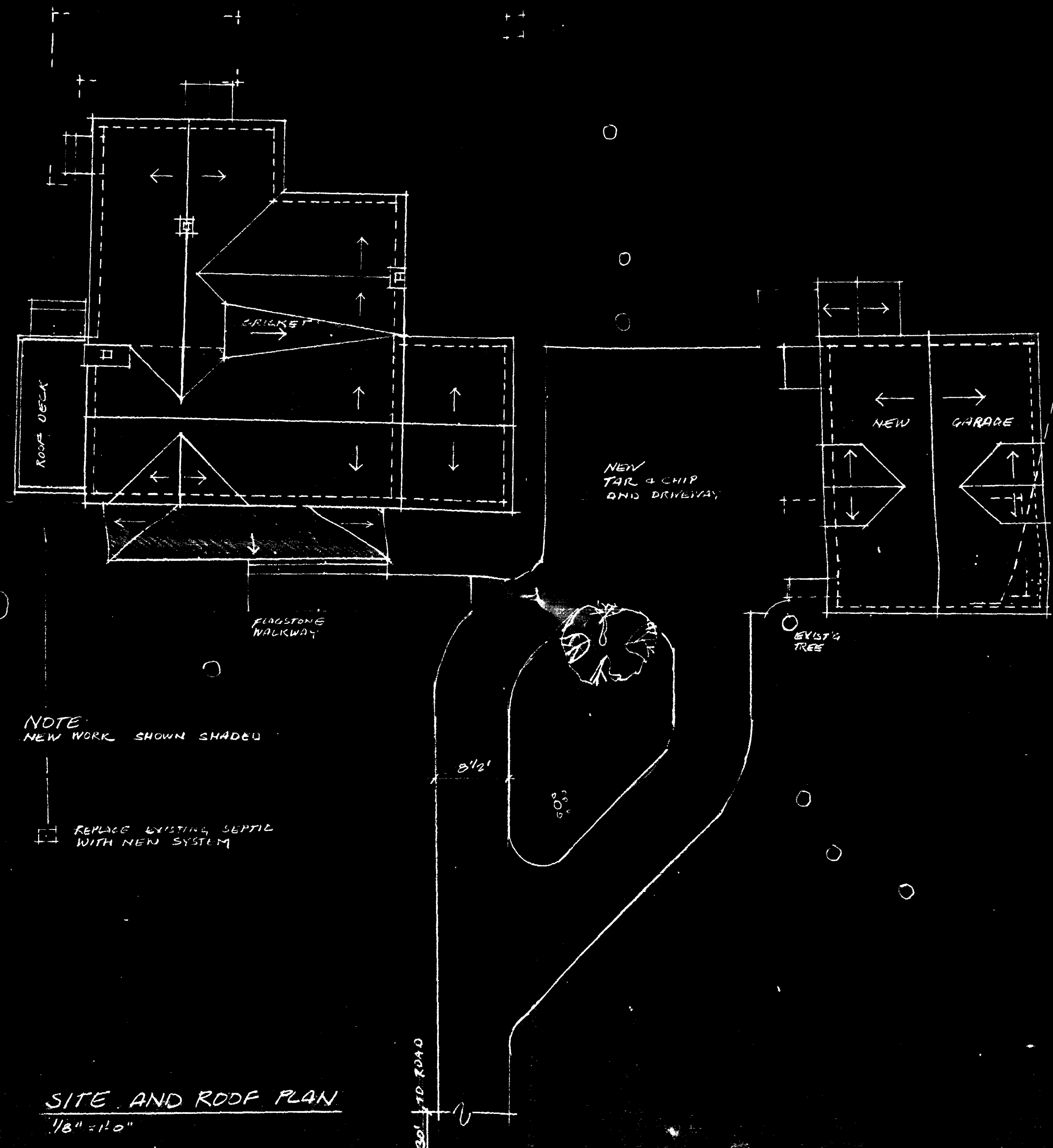


NORTHWEST ELEV.



PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE SPECIAL HEARING
PROPERTY ADDRESS 11908 MINOR JONES DRIVE
SUBDIVISION NAME VALLEYS' CREST FARM
PLAT BOOK # 62, FOLIO # 127 LOT # 11 SECTION N.A.
OWNER ALINE JONES WANKOW

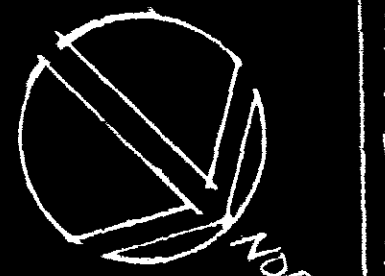




NOTE
NEW WORK SHOWN SHADED

REPLACE EXISTING SEPTIC
WITH NEW SYSTEM

SITE AND ROOF PLAN
1/8" = 1'-0"



93-319-A

326

ROBERT RUDOLPH HOLLENDORFER
ARCHITECT
915 M. CAROLINA AVE. SE
WASHINGTON, D.C. 20003
202 544 0199

PROPOSED ADDITIONS AND ALTERATIONS FOR
MR. & MRS. JOSEPH WANKOW
11908 MINOR JONES DRIVE
OWINGS MILLS, MARYLAND 21117

SITE AND
ROOF PLAN
1/8" = 1'-0"
1 OF 2
22 FEB 73

93-319-A



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE
1" = 200' ±

LOCATION

SHEET

DATE
OF
PHOTOGRAPHY
JANUARY
1986

THE CAVES

NW
14-G

AIRPHOTOGRAPHIC

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401